

REMARKS

By entry of the is amendment, claims 1-6 and 8-27 are pending in this application. Claims 1-6 and 8-26 have been rejected. Claim 27 is new. In view of foregoing amendments and following remarks, the Applicant requests allowance of the application.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 1-6 and 8-26 stand rejected as obvious over four references: Rosenwald (U.S. Patent No. 6,038,550), Lipshutz (U.S. Publication No. 2003/0120566), Schultz (U.S. Publication No. 2001/0056393) and Nutahara et al. (U.S. Publication No. 2004/0177036). Applicants request withdrawal of the rejections because the cited art, even if considered in combination, does not teach or suggest all features of the pending claims.

Claims 1-6, 8 and 21 Define over the Cited Art

Consider claim 1, which recites in part:

(a) in response to fluctuations in an account balance of the bank account, setting, by an intra-day interest account management system, balance determination times for the account, the ***balance determination times*** corresponding to ***a plurality of points in time within the span of a single day*** at which respective net account balances are to be used in an interest calculation for the account;

The cited art does not teach this subject matter. The Office Action asserts Rosenwald discloses this subject matter at col. 2:1-3, col. 1:50-59 and 66-67 and col. 10:51-52. The analysis is incorrect. Rosenwald does not teach or suggest this subject matter.

At col. 1:50-67, Rosenwald merely describes interest values representing the interest earned or owed on the principal amount of an associated transaction from the effective date of the transaction to a present day. Rosenwald refers to “an effective date attribute” but never states that the effective date attribute corresponds to a plurality of points in time within the span of a single day as recited in the pending claims. At cols. 2:1-3 and 10:51-52 Rosenwald discusses an interest factor which includes a date attribute but he does not state that the date attribute corresponds to a plurality of points in time within the span of a single day. Rosenwald nowhere refers to interest calculations that are performed within the span of a single day.

In our prior responses, Applicants have explained this issue and requested the Office to identify any disclosure within the cited art for this feature. The Office has failed to do so. If

the Office maintains the pending rejections, Applicants request the Office to kindly explain how Rosenwald's references to "date attributes" or "effective date attributes" somehow discloses interest calculations that are performed within the span of a single day. By their plain meaning, these terms refer only to dates, not to multiple time periods within the span of a single day.

The Office Action has not alleged that the Lipshutz, Schultz or Nutahara references disclose this subject matter or somehow correct the deficiencies of Rosenwald. Applicants have reviewed these reference and agree that they do not disclose the subject matter of the pending claims as listed above.

Because the cited art fails to teach all elements of claim 1, even if considered collectively, claim 1 is allowable. Claims 2-6, 8 and 21 depend from claim 1 and are allowable as well. he pending obviousness rejection to claims 1-6, 8 and 21 should be withdrawn.

Claims 9-11 and 22 Define over the Cited Art

As for claim 9, it recites in part:

(c) ***receiving a specification of a plurality of points in time*** for determining corresponding account balances for use in calculating an interest on the bank account, wherein ***the points of time correspond to a plurality of times within a single day*** and are determined by an intra-day interest account management system in response to fluctuations in an account balance of the bank account;

Rosenwald does not disclose the above highlighted claim language. Rosenwald does not describe receiving a specification of a plurality of points in time. The Office alleges that Rosenwald discloses this feature at col. 1:50-59. However, as explained above with respect to claim 1, the cited text does not disclose the highlighted feature. The Office Action has not alleged that the Lipshutz, Schultz or Nutahara references disclose this subject matter or somehow correct the deficiencies of Rosenwald.

Because the cited art fails to teach all elements of claim 9, even if considered collectively, claim 9 is allowable. Claims 10, 11 and 22 depend from claim 9 and are allowable as well. he pending obviousness rejection to claims 9-11 and 22 should be withdrawn.

Claims 12-14 and 23 Define over the Cited Art

Independent claim 12 recites in part:

in response to fluctuations in an account balance of a bank account, setting, by an intra-day interest account management system, points of time corresponding to a plurality of times within a single day;

the intra-day interest account management software configured to receive information relating to an intra-day interest calculation, the intra-day interest calculation relating to a calculation of interest on an account for the points of time corresponding to a plurality of times within a single day set by the intra-day interest account management system, the information including:

transaction information including a value time relating to when a transaction to the account is included in the account balance for interest calculation

In the Office Action, the Office cites to the same text of Rosenwald that was cited in the rejection of claim 1. As with claim 1, Applicants submit that Rosenwald does not disclose all of the features recited in claim 12. The Office Action has not alleged that the Lipshutz, Schultz or Nutahara references disclose this subject matter or somehow correct the deficiencies of Rosenwald as explained above with respect to claim 1.

Claim 12 is allowable because the cited art, even if considered collectively, fails to teach all elements of claim 12. Claims 13, 14 and 23 depend from claim 12 and are allowable as well. The pending obviousness rejection to claims 12-14 and 23 should be withdrawn.

Claims 15-17 and 24 Define over the Cited Art

Independent claim 15 recites features similar to claim 1. Applicants submit that Rosenwald does not disclose all of the features recited in claim 15. The Office Action has not alleged that the Lipshutz, Schultz or Nutahara references disclose this subject matter or somehow correct the deficiencies of Rosenwald.

Because the cited art fails to teach all elements of claim 15, even if considered collectively, claim 15 is allowable. Claims 16, 17 and 24 depend from claim 15 and are allowable as well. The pending obviousness rejection to claims 15-17 and 24 should be withdrawn.

Claims 18, 19 and 25 Define over the Cited Art

Independent claim 18 recites features similar to claim 1. Applicants submit that Rosenwald does not disclose all of the features recited in claim 18. The Office Action has not alleged that the Lipshutz, Schultz or Nutahara references disclose this subject matter or somehow correct the deficiencies of Rosenwald.

Because the cited art fails to teach all elements of claim 18, even if considered collectively, claim 18 is allowable. Claims 18, 19 and 25 depend from claim 18 and are allowable as well. The pending obviousness rejection to claims 18, 19 and 25 should be withdrawn.

Claims 20 and 26 Define over the Cited Art

Independent claim 20 recites features similar to claim 9. Applicants submit that Rosenwald does not disclose all of the features recited in claim 20. The Office Action has not alleged that the Lipshutz, Schultz or Nutahara references disclose this subject matter or somehow correct the deficiencies of Rosenwald.

Because the cited art fails to teach all elements of claim 20, even if considered collectively, claim 18 is allowable. Claims 20 and 26 depend from claim 20 and are allowable as well. The pending obviousness rejection to claims 20 and 26 should be withdrawn.

NEW CLAIM 27 DEFINES OVER APPLIED ART

New claim 27 recites, *inter alia*:

(a) in response to fluctuations in an account balance of the bank account, setting, by an intra-day interest account management system, a plurality of balance determination times for the account, ***each balance determination time corresponding to a point in time within a common calendar day*** at which respective net account balances are to be used in ***an intra-day interest calculation*** for the account;

The applied prior art does not disclose or suggest the above highlighted claim features. Accordingly, claim 27 is allowable.

CONCLUSION

All outstanding rejections have been overcome. It is respectfully submitted that, in view of the foregoing amendments and remarks, the application is in clear condition for allowance. Issuance of a Notice of Allowance is earnestly solicited.

Although not believed necessary, the Office is hereby authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Deposit Account No. 11-0600.

The Office is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

Respectfully submitted,

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